



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE

SACRAMENTO LEGISLATIVE OFFICE

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May 24, 2022
Senator Robert Hertzberg
1021 O Street, Suite 8610
Sacramento, CA 95814

Senate Bill 1327 SUPPORT

Dear Senator Hertzberg:

The Los Angeles County District Attorney's Office is pleased to support Senate Bill 1327 (Hertzberg).

California has enacted a series of gun control laws over the years; however, gun violence is on the rise throughout the state. Nationally, mass shootings have become an epidemic. In 2020, California accounted for 65% of all ghost guns seized by the Bureau of Alcohol, Tobacco and Firearms. As of October 2021, in Los Angeles alone, ghost guns were used in 24 murders, eight attempted murders, 60 assaults with deadly weapons, and 20 armed robberies. SB 1327 would help strengthen the state's gun laws by empowering individuals to bring civil actions against those who manufacture, distribute, transport, import, or sell dangerous and illegal assault weapons and ghost guns in California.

It is a felony to manufacture, distribute, transport, or import into the state any assault weapon or any .50 BMG rifle, with limited exceptions. However, a federal judge recently found that California's existing assault weapons laws violate the Second Amendment. This comes at a time when crimes involving gun violence have skyrocketed across the state.

Private rights of action give members of the public the right to sue to enforce laws normally enforced by a government entity. In September 2021, lawmakers in Texas enacted an egregious anti-abortion law, SB 8, which bans abortions after about six weeks of pregnancy and allows private citizens to sue abortion providers and others who aid a person obtaining abortion care. By enacting its abortion restriction law, Texas is deliberately violating an almost 50-year-old constitutional right first granted by the US Supreme Court in *Roe v. Wade* (1973) and upheld by the Court in *Planned Parenthood v. Casey* (1992).

Although the Supreme Court recognizes a person's right to bear arms, it does not recognize a constitutional right to own, manufacture, or sell illegal assault weapons or ghost guns. SB 1327 creates a private enforcement scheme, much like Texas' SB 8, that allows private citizens to bring a lawsuit against those who manufacture, distribute, transport, import, or sell assault weapons, .50 BMG rifles, ghost guns, or ghost gun kits in California. A plaintiff in such

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an action may obtain injunctive relief to stop the spread of these weapons and recover statutory damages for each violation.

SB 1327 does not interfere with a prosecutor's ability to enforce existing criminal statutes involving illegal firearms. Rather, it ensures the continued enforcement of California's gun laws by utilizing the same legal mechanism authorized by Texas' anti-abortion law.

If you have any questions or need additional information, please contact Tamar Tokat in my Legislative Office at 916-442-0668.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Gascón", written in a cursive style.

GEORGE GASCÓN
District Attorney